

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

<b>AGNES BERNICE HOLBROOK,</b>	)	Civil Action No. 7:11-cv-00464
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b><u>ORDER</u></b>
	)	
<b>WARDEN,</b>	)	<b>By: Hon. Michael F. Urbanski</b>
<b>Respondent.</b>	)	<b>United States District Judge</b>

In accordance with the accompanying Memorandum Opinion entered this day, it is hereby

**ORDERED**

that respondent's motion to dismiss is **GRANTED**; petitioner's motion to expedite is **DENIED** as moot; a certificate of appealability is **DENIED**; and the action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send a copy of this Order and the accompanying Memorandum Opinion to petitioner and counsel of record for respondent.

Entered: December 6, 2011

*/s/ Michael F. Urbanski*

Michael F. Urbanski  
United States District Judge